

# EXHIBIT 52

BPD 1288

Segment 6

54:05 to 56:30

(See enclosed DVD)

# EXHIBIT 53

BPD 1288

Segment 9

54:05 to 56:30

(See enclosed DVD)

# EXHIBIT 54

BPD 1288

Segment 3

02:46 to 03:30

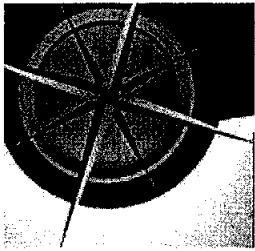
(See enclosed DVD)

# EXHIBIT 55

BPD 1288  
Segment 8  
In Entirety  
(See enclosed DVD)



# EXHIBIT 56



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Bireley keeps board seat

### *Hughes defeats Laird for District 3 seat*

By Jonathan Starkey  
Staff Reporter

Nearly 2,400 people voted in the election for the District 4 seat on the Indian River School Board, overshadowing turnout for the other local election and any other district election in history.

Incumbent Charles Bireley defeated challenger Jackie Wilson by a vote of 1337-1033 in what is believed to be a record turnout for an Indian River school board election.

"I'm tickled to death," said Bireley, a 29-year school board veteran, of the turnout and the final result. "I'm very pleased and I'm looking forward to three more years."

In the election for the District 3 school board seat — which carries a one-year term — recent appointee Randall Hughes defeated challenger Will Laird by a vote of 496-93. Laird was not available for comment before press time.

"I'm very happy to have won," Hughes said, who was appointed to his seat in January after Greg Hastings stepped down. "I think the whole process went very well. I'm just very humbled."

Hughes added about the District 4 election; "That's democracy at its finest. That's fantastic. They were two very good candidates."

Bireley said that the prayer suit facing the district and the board was the major issue surrounding this year's election, and that it probably swung this year's vote.

Early in 2005, the Dobriches, a Jewish family, along with another unidentified family filed suit against the district, claiming multiple First Amendment violations. She said that Christian prayer in school and at academic and athletic events had "pervaded the life" of district teachers and students.

Defended by an American Civil Liberties Union attorney, the plaintiffs late last year offered a settlement that included a six-figure money amount and several stipulations. The board, of which Bireley was president, unanimously denied that settlement offer in late February. The board has since been sued by its insurance company, on the grounds that it should have accepted the settlement.

"That's the issue," Bireley said of the District 4 campaign. "They approved of what we did back on Feb. 28. It became a campaign issue."

Wilson agreed, but thought the public might have been misled.

"The election came down to the lawsuit," she said. "They assumed that Charles Bireley was for the lawsuit and Jackie Wilson was against it. That's unfortunate. I'm not against prayer in school, as long as we do what the Supreme Court says."

Wilson, a life-long educator who had 28 years of experience in the Indian River School

District as a teacher and administrator before leaving for the state and college levels, was unable to give a direct answer about the prayer suit when asked by the Coastal Point, saying she didn't have enough information due to the closed nature of the suit and settlement terms.

Bireley didn't answer the question from the Coastal Point, either, citing a court-ordered silence. Wilson noted that she did answer questions on the subject when appearing before crowds and individuals, but she didn't make it part of her extensive campaign, which might have hurt her at the polls.

Wilson said she will not run in another school board election but will stay involved with the district.

"They made their choice," Wilson said. "They chose Mr. Bireley. (But) I will follow what is going on and I will stay involved because 1,000 people expect me to."

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# EXHIBIT 57



Serving the Heart of Sussex County

# SUSSEX POST

35, NO. 32

Thursday, July 6, 2006

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## IR board tweaks prayer policy

Case still pending  
in U.S. District Court

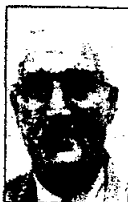
By James Diehl  
Sussex Post

SELBYVILLE — It's been more than two years since the battle over prayer began in the Indian River School District. And, with two court cases still pending, it doesn't figure to come to a conclusion anytime soon.

The latest news developed last week when the Indian River board of education voted to

revise its policies regarding prayers at commencement and baccalaureate services in the district.

The revisions involved policy voluntarily adopted by the board following the 2004 Sussex Central High School graduation ceremony, where a Christian prayer eventually led to a lawsuit filed



Charles  
Bireley

by former district residents Marco and Mona Dobrich.

That policy stated that student-initiated, student-delivered, voluntary messages were permitted during such ceremonies.

That policy has not changed, though it has been "tweaked," according to board president Charles Bireley.

"The gist of it is still the same," Mr. Bireley said. "We still think it complies with what we're supposed to do and what we're not supposed to do. I'm satisfied with it."

Revised portions of the policy

detail who is responsible for selecting graduation speakers and regulating the content of those speeches.

Most revisions were made in response to recent court decisions, according to Mr. Bireley.

"As long as a student is not coerced, then they're allowed to (speak)," Mr. Bireley said. "We adopted this on our own. The only thing that the courts have ruled so far is that we can't be sued as individuals and we have the right to do what we do before the board meeting."

In spite of the lawsuits and

facing tremendous pressure from the American Civil Liberties Union, the board has continued its custom of beginning monthly board meetings with a prayer by a board member.

That is the essence of the case currently before U.S. District Judge Joseph Farnan.

In late February, the board voted unanimously to reject a proposed settlement offer in the case, meaning the end to mediation and the return of the case to the court.

See Prayer — Page 7

## Prayer

Continued From Page 1

It was a bold move for the board, but one they stand behind.

"The ACLU has an ongoing nationwide campaign to take away the right of any citizen legislator to speak and pray according to his conscience and religious tradition," board member Reggie Helms said following that vote. "My freedom of speech is too important to compromise or risk its loss. Our court case, where we have been standing up to the ACLU, provides the opportunity for the federal court to permanently uphold my right not to be treated as a second-class citizen, or to have to move to the back of the bus."

"Accordingly, I have voted not

to settle the pending court case so the courts will have the opportunity to finally decide whether I can be discriminated against because of the viewpoint of my speech, or because I come from a particular religious tradition which the ACLU opposes."

Because of that decision, the district's insurance carrier is also suing the board for past attorney's fees.

Throughout the case, the majority of the community has stood behind the board, some calling them "heroes" for taking such a "courageous step."

That hasn't changed in the months since that February vote, according to Mr. Bireley.

"We're still getting support from the community. It's really overwhelming," Mr. Bireley said. "It's very gratifying to know that they approve of what we're

doing. It's always better that way.

"I rarely go places now where somebody doesn't tell me that we're doing the right thing and to hang in there."

The issue over the district's prayer policy all began when the Dobrichs, who were concerned over a Christian prayer said at their daughter's graduation ceremony, filed a lawsuit against the district seeking monetary damages and injunctive relief.

The Dobrich family is of the Jewish faith.

Earlier this year, Judge Farnan granted a defense motion dismissing all claims against individual members of the Indian River Board of Education.

The case against the district is still pending, however.

News Editor James E.  
reached at  
jdiehl@neu

# EXHIBIT 58



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Wednesday, April 12, 2006

Delaware Wave

[Email this story](#)

## Bireley will run on his own personal record

Editor:

In politics, a strategy used to plant negative images in the mind of voters is called "Framing." You frame your opponent by your letters to the editor, advertisements, etc. by telling the voters that your opponent is something that he really is not.

For example, George Bush was framed as giving tax breaks to the rich. John Kerry was framed as a liberal. Whether true or not, the candidate is framed and those "terms" are used by everyone.

In Kami Banks letter to the editor in the April 5 edition of The Wave, Kami "framed" Mr. Bireley by using the term "turbulent." To the reader who does not follow the Indian River School Board, one would think there are problems or as Miss Banks stated, "turbulent."

"Turbulent" could not be further from the truth! In the same edition of The Wave, Mr. Bireley graciously thanked the community for their overwhelming support of the referendum. He stated that Indian River is the top district in the state with 10 schools receiving a Superior rating. He asked those voters who did not support the referendum to continue to watch how well the district would manage the referendum monies. In his letter he thanked parents, teachers and the community for their support and not one-time mentioned himself personally for the success of the referendum. He is a gracious man.

Does "turbulent" mean that Mr. Bireley is standing up to the ACLU? I don't call this turbulent, I call this leadership at its finest.

Charles Bireley has served this community for 29 years. In the many elections he has participated in, he has never stated a negative message about his opponent. He stands on his record, his dedication, his distinguished service.

Miss Banks is correct in stating that Mr. Bireley will "undoubtedly run on his record and his ability" and why would he change direction at this time? Ten



P 0565

superior schools and his respect for the role of parents, teachers and community in building superior schools is pretty good record, in my book.

The caption above Miss Banks letter to the editor stated, "this is the year for change." I don't agree with that statement at all, especially, in the sense that if "framing" and negative statements are going to be used, they need not be used in a school board election.

I know Charles Bireley will run on his own personal record.

Elaine McCabe

Roxana

Originally published Wednesday, April 12, 2006



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# EXHIBIT 59

[www.stoptheaclu.org](http://www.stoptheaclu.org)

## Stop the ACLU Coalition



Coalition Information The Community

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### STOP THE ACLU

Home

Delaware School District Stands up to the ACLU



News

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Written by Nedd

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Thursday, 02 March 2006

About Us

The ACLU likes to "hail" rulings when they go their way. Well, there is no ruling to "hail" here for us but we can "hail" the Indian River, Delaware School District for standing tall and strong against the ACLU. The Daily Times of Delmarva has more on this case here and here which the school board unanimously rejected paying six figures to the ACLU.

How We Do It

The Indian River School District deserves a standing ovation from us for boldly and unanimously rejecting the ACLU's claims of monetary extortion and intimidation in trying to persuade them from public prayer before their meetings. The case began in 2004 which you can read [here](#) and [here](#) (the 5th item down under "Free Speech").

Marriage Cases

Hall of Shame

ACLU Letter

There were two cases here, one against the school district for a prayer said at a graduation service and another for prayer said prior to the opening of school board meetings. The former case is ongoing which is what the school board agreed to do in rejecting this ACLU offer of settlement. The latter case was dismissed in August 2005.

ACLU Windfalls

Get Involved

It is extremely heartening that even in the heavily liberal northeast part of America, there are still some public officials and citizens who will tell the ACLU where to go. The fact that there was patriotic and Christian music sung at the meeting is encouraging at a time where religious freedom is under ACLU assault more than ever.

Our Store

Events

Press Releases

The fact that churches were actively supporting the school board is something we need more of. The Coalition has a program to get churches involved with us and we are willing to go and speak at churches who want to be educated on the ACLU and its agenda.

Expose Plaintiffs

Petitions

If you are a pastor and located within a 2 hour radius of Metro Chicago and want to have the Coalition address your congregation, please [contact me](#) to schedule a date. Please note - you can invite us to speak to your church without ever having your tax status jeopardized.

Kudos to Pastor John Betts for his support of the school board and to Pastor David Bennett for telling the ACLU where to go. This is what we need from ministers across America. This is why the Coalition has a passion to enlist churches to this cause. Sadly, very few are willing to go outside their 4 walls of their churches which is partly why America is in moral disarray as it is.

Delaware and Maryland (since the district is located at the state line) residents, express your appreciation to the Indian River School District. Their contact information and board members can be found [here](#). They need to hear from you since it is not easy to stand up to the legal thugs of the ACLU. And the Rutherford institute needs our support and thanks as well.

If you wish to reach Pastor Bennett, his church is located at Route 334 in Dagsboro, phone (302) 732-9462. Pastor Betts church is at 20488 Donovans Rd in Georgetown, phone (302) 856-2252.

If you contact either of the churches and/or the school district, please express our heartfelt thanks and support and encourage them to contact us and join the Stop the ACLU Coalition. We're hoping and praying for a favorable ruling later in the year and to put an end to the ACLU's meddling.

This case is a good time to introduce our "Expose the ACLU Plaintiff" project and here's how it goes. When an individual, group or even church (yes, there are churches that support the ACLU) is using the ACLU (or similar groups like Americans United, People for the (Anti) American Way, Freedom from Religion Foundation and American Atheists) to facilitate removal of a cross, the 10 Commandments or other religious symbols or the ceasing of prayer from a school or government entity, we want the community to know about it. We will start with the Dobrich family which is largely responsible for this case being taken. We are offended that the Dobrich's want to impose their atheism at the expense of the vast majority of community members who aren't offended. We will let all of

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### LATEST NEWS

Stop the ACLU Rally in Champaign, Illinois  
ACLU - Free Speech for all but pro-lifers  
The Truth is in: The ACLU is hostile to Christianity  
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### STOP THE ACLU POLL What ACLU Issue or Group Concerns You the Most?

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- ☐ Same Sex Marriage
- ☐ Assault on Boy Scouts
- ☐ NAMBLA
- ☐ Legal Action Against the 10 Commandments/Pledge
- ☐ Legal Action Against Prayer in Schools/Government
- ☐ Illegal Immigration
- ☐ Undermining the War on Terror
- ☐ Death Penalty Opposition
- ☐ Legal Action Against Christmas



### SYNDICATE

RSS 0.91
RSS 2.0
RSS 2.0
ATOM 0.3
OPML SHARE IT!

Delaware know who used the ACLU to sue this school district.

For our first case, we will leave the information here where the Dobriches reside. Here it is, according to [Switchboard.com](http://www.switchboard.com).

*Mario and Mona Dobrich  
Woodland Rd.  
Seaford, DE 19973  
(302) 629-4125*

Our policy regarding this project is as follows:

1. If it's a 10 Commandments, cross or religious symbols case, you may call only if you live in the jurisdiction. If the suit is against a county, you may call if you reside in that county. If the suit is against a city, you may call only if you live in that city.
2. If it's a school that's involved such as in this one, you may call if you live in the district or have a student attending the school there or if you have a family member working there.
3. If #s 1 and 2 do not apply, please only write a letter. We will also post e-mail addresses if they can be found.
4. In all your communications, written or verbal, do not harass and do not be rude. You can be firm and angry but do not use profanity and under no circumstances should you threaten the party involved. Your outrage is fully understood and shared but harassment and threats serve only to harm us and could even get the police involved which we don't want. Remember, you represent the Coalition.
5. Get others involved.

If you want to be involved in research for this project or have any questions, contact me and I will get you started. I would like a couple individuals to start working on this ASAP. But please note - for this project, we're only looking for individuals, small groups and churches. Major companies and corporations supporting the ACLU like Progressive Insurance and Ford do not fit this project. We want specific plaintiffs in specific cases.

Thank you.

Nedd

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# EXHIBIT 60

INDIAN RIVER SCHOOL DISTRICT  
BOARD OF EDUCATION REGULAR MEETING  
TUESDAY, AUGUST 24, 2004 – 7:30 P.M.  
FRANKFORD ELEMENTARY SCHOOL CAFETERIA

MINUTES

CALL TO ORDER

President Harvey L. Walls called the Regular Meeting of the Indian River School District Board of Education to order at 7:30 p.m. President Walls asked Dr. Hattier to give a prayer.

ROLL CALL

Board Members Present: Charles M. Bireley, (Mrs.) Nina Lou Bunting, Richard H. Cohee, John M. Evans, Gregory A. Hastings, Donald G. Hattier, Reginald L. Helms, Mark A. Isaacs, (Mrs.) Elaine McCabe, Harvey L. Walls

APPROVAL OF AGENDA - Regular and Executive – August 24, 2004

President Walls recommended that the agenda be amended to allot 45 minutes for Public Comments due to the large number of persons who have requested to speak this evening. Each speaker will be allowed 2 minutes. It was moved by Mr. Helms, seconded by Mr. Cohee, to approve the Regular Agenda as amended and the Executive Session Agenda. The motion passed unanimously (10-0).

APPROVAL OF MINUTES

Board of Education Regular Meeting Minutes – July 27, 2004

It was moved by Mr. Hastings, seconded by Mrs. McCabe, to approve the minutes as recorded. The motion passed unanimously (10-0).

VISITORS AND STAFF IN ATTENDANCE

Lois Hobbs, Janet Hearn, Earl Savage, Patrick Miller, Jay Headman, Susan Bunting, Denise Speicher, Cathy Miller, Darlene St. Peter, Charlie Hudson, Greg Weer, John Mitchell, Carmen Deldeo, David Maull, Gary Brittingham, Sharon Brittingham, Brice Reed, Ivan Neal, Vince Catania, Sonny Riggan, Walter Smith, Mark Steele, Darlene Johnson, Patricia VanRyn, John Corp, Laura Hattier, Earl Robinson, Biffy Walls, Mona Dobrich, Marco Dobrich, Alex Dobrich, Sarah Dobrich, Ken Evans, Dolores Helms, Janice Parker, John Hinkle Jr., Rhonda Tuman, Mary Sue Drugash, Darrell Neale, A. Daisey Calhoun, Chris Rust, Mary Jane Hastings, Arlene Rust, Courtney Jefferson, Ashley Rust, Mary Robinson, Theodore Randall Jr., Harriet Rayne, Calvin Rayne, Mary Jayne Bowden, Arthur Bowden Jr., William Lee Burton, James A. Burton, Mark Hickman, Amos Harmon, Mary E. Harmon, James M. Stray, Amy Stray, Rocky Klaverweiden, Kathy Klaverweiden, Samuel Klaverweiden, Rick Stafford, Cecilia Stafford, Dolores Collins, Marilyn Cannon, Marcella Pitts, Pauline Wescott, Victoria Ferebee, Mildred Hudson, Ed Metz, Hazel Mitchell, William B. Hudson,

BPD 000076

## BOARD OF EDUCATION REGULAR MEETING MINUTES

August 24, 2004

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Donald L. Wilgus, Dawn Cordeaux, Ed Forebee, Dawn D. Codeaux, John Breasure, Eleanor Breasure, Lehman Tomlin, Charles Adkins, John Adkins, Jill Norman, Margaret Stevens, Bonnie Carey, Eleanor Banks, Joan Willey, Philip Willey, Norma Davidson, Nancy Griffith, Carl Davidson, Henry Griffith, Donald Koperwhats, Philip Troyer, Aime Strauss, Ron Strauss, Jo Ann Houghton, Ralph Justice, Calvin Lewis, Patricia Justice, Richard Belote, Robert Wilson, Paul Gerner, Richard Wilson, Mickey Koster, Mary Koster, V. Beiriger, D. Beiriger, David Wingate, Brenda Wingate, Carolyn McGrello, Carole Cullen, John Cullen, Todd Wilson, Diane Johnson, Anthony Williams Sr., Pamela Johnson, Charles M. Harmon, Janet Showell, Greg Showell, Roslyn Harmon, Tony Harmon, Dee Bennett, Mark Bennett, Rosalind Revel, Matthew Revel, Bill Pepper, Guy Cooper, Angela Robinson, Darita Robinson, B Robinson, Janet Cooper, John Cooper, John Ennis, Martha Randall, Erma Snively, Donna Atkinson, Robert Snively, Cheryl Truitt, Marian Davis, Albert Fleshman, Vi Fleshman, Rev. James Carmean, Lillian Carmean, Everett Dukes, Dorothy Dukes, Jackie Wreath, Albert Lank, Eloise Lank, Elisha Whealton, Lynette Whealton, Paul Walker, Betty Walker, Rosalie Downs, Alvin Messick, Lela Davidson, Mary Beth West, Pat West, Wayne West, Joe Pittard, Ches Nealson, Linda Pusey, Bill Pusey, Larry McQuay, Tish McQuay, Jermaine Harris, Stacey Harris, Phyllis Levitt, Cecil Wilson, Shelly Workman, Jerry Workman, Devin O'Neal, William Emory Vickers, Leslie Freeman, Marva Freeman, Karen McPherson, Jerry McPherson, Levi Godfrey, Bruce Daisey, Pamela Daisey, Ray Ellis, Barbara Ellis, Tracy Peoples, Genie Herwig, Julia Robinson, Joe Walls, Burton Fox, Kennie Archer, David Long, Rosemary Long, Pierre Dennis, Twanda Bailey, Sandy Wilson, Jim Pence, Terry Murray, Bradford Morris, Wesley Townsend, David Herwig, Shirley Turnage, Regina Baine, Ruth Chandler, Cleo Phas, Carolyn Wells, Norwood Truitt, Kim Burton, Pam Garrison, Elizabeth Johnson, Maureen Beaudin, Sharon Johnson, May Greenwood, Bill Greenwood, Betty Truitt, Joan Ewaka, Sheldon Hudson, Matilda Tindley, Stephanie Gibbs, Tracey Hudson, Michelle Murray, Cindy Brought, Steve Brought, Maureen Nicolson, Bobbi Schroeder, Pat Sherman, Andie Hall, Catherine Harmon, Pamela Coleman, James Stewart, Joe Mahon, Pam Bullis, Virgil Bullis, Catherine Peterson, Anna West, Jen Tyre, Sara Powell, Katherine Riley, Lonnie Riley, Priscilla Schoolfield, Casandra Hall, Vanessa DeLoach, Devin DeLoach, Gloria Duffy, William Duffy, Rev. Ervin Williams, Alice Williams, Doris Hall, Robert Burton, Terri Burton, Melvyn Street, Michael Walt, Mildred Timmons, Debby Dukes, Larry Dukes, Larry Dukes II, Lynn Kortvelesy, Barbara Hudson, Stewart Quillen, Irene Gray, Margaret Veasey, Joanne Veasey, Thomas Veasey, Vickie Veasey, Ashley Veasey, Cathy Perdue, Frank Perdue, Kimm Nureck, Pat Gordon, James Hudson, Pam Shockley, Lori Hudson, Rodney Hudson, Stephanie Haygood, Gloria Handy, Peggy Trott, Arinthia Peacock, Gerald Wilson, Frederick Poole, Marie Poole, George Beckett, Albert Oliver, Andrea Chandler, Valerie Handy, Joan Messick, Rasalie Walls, Ruth Corbin, Viola Lawrence, Betty Dennis, Donna Bunting, George H. Bunting, Emily Hocker, Gerald Hocker, Bill Ricketts, Pat Beckett, Elma McCabe, Ronald McCabe, Jessica Enidcott, Lorraine Tomlin, Lois Dolby, Harold Short, Dora Short, Loretta Warfield, Christine Wood, Patricia Benton, Elaine Mahon, Helen Norton, Dorothy Anderson, Ashley Anderson, Norman Anderson,

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BOARD OF EDUCATION REGULAR MEETING MINUTES

August 24, 2004

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Linda Thompson, Shaun Thompson, Sara Russell, Paul Russell, Gene Ellen Lyons, Mildred Shipley, Cynthia Lyons, Inez Smith, Jan Windsor, Grace Jackson, Aaron Mishoe, Lori Parker, Frank Smith, Judy Smith, Eddie Rideau, Donald Collins, June Collins, Paris Mitchell, Donna Mitchell, Earl Armbrust, Dolores Treuting, Marie Rogers, Sylvester Brittingham, Anita Brittingham, Andrea O'Day, Portia O'Day, Arthur O'Day, Rosella Calloway, Nancy Carmean, Harold Carmean, Lynden Tunnell, Judy Tunnell, Gail Olivier, Rev. James Fyke, Jesse Levengood, Edward Thornton, Abbie Argoe, Frank Infante, Ted Dwyer, James Brittingham, Shirley Brittingham, Vivian Bryant, Michael Hudson, William Kellun, Barry Mariner, Jeannie Marnier, Ethan Mariner, Gail Kruz, Noreen Jager, Joanne Jones, Donna Kahler, Jennie Santiago, Alison Taylor, Sebrena Taylor, Andrea Mumford, Charles Mumford, Violet Garrison, Mabel Custis, Laura Hudson, Arlen Smith, Patricia Smith, Linda Betts, John Hitchens, Bernice Hitchens, Charlotte Jones, Doug Jones, Richard Blades, Nancy Houston, Shawanda Burton, Ronald Hall, Sandra Hall, Tyker Mann, Demetrius Taylor, Viola Taylor, Shawn Moore, Rev. Richard Worthy, Carl Hinken, Demetrius Taylor Jr., Don Ireland, Gary Knapp, Bill Nick, Gary Sabastian, David Fern, Ken Johnson, Mark McCal, Rev. Tambara Stewart, Christine Williamson, Lula Isler, Nancy Schilling, Linda Edwards, Peggy Baker, Ruth Wood, James Wood, Atwood Timmons, Aileen Timmons, Norma Nelson, Barbara Hall, Norma Adkins, Sandra Stevens, Joanne Bireley, Patty Adams, Nancy Campbell, Beverly Evans, Rosalee McCabe, George McCabe, Ronald Wootten, Jack Bigelow, Sharon Bigelow, Linwood Marvel, Bradley Connor, Richard Huston, Harold Johnson, Carol Svecz, Christina Adkins, Doris Ward, Linda Adkins, John Mallory, Dennis Milner, Jill Short, Gail Simms, Daniel Bowles, Rev. Leroy Weymouth, George Parish, Warren Rex, John Steinbruck, Max Wolf, John Bradey, Joe Cannon, Al Hook, Lindsey McAlister, Mary Ann Hook, Danny Tice, Bud Truitt, David Collison Sr., Brandi Maron, Ken Hudson, Paula Hudson, Andy Engh, Harry Gordon, John Schutt, Bridgett Schutt, Wanda Webber, Connie Lathbury, Chip Lathbury, JoAnne Holiday, Amy Wingate, Lidia Smith, Robert Smith, Leslie Hitchens, Michael Hitchens, Donnel Bailey, Danielle Blake, William Blake, Quintin Johnson, Maria Johnson, Evelyn Smith, Arnold Smith, Irene O'Day, Donald Mitchell, Virginia Mitchell, Jim Knox, Jan Knox, Adele Baumgart, Nancy Layton, Robert Layton, Elva Cash, Cheryl Wells

BPD 000078

## BOARD OF EDUCATION REGULAR MEETING MINUTES

August 24, 2004

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### PUBLIC COMMENTS

The following persons spoke regarding Indian River School District's practice of holding prayers at school-sponsored events including graduation ceremonies: Mona Dobrich, Alex Dobrich, Janice Parker, Linda Adkins, Rusty Baker, Peggy Trott, Gary Knapp, Bill Beckett, Mary Sue Drugash, Stephanie Haygood, Rhonda Tuman, Arinthia Peacock, Wescenia Wise, Judy Smith, Gloria Handy, John Atkins, Gerald Hocker, Ben Ewing, Eddie Rideau, George Parish, Frederick Poole, Lori Parker, Harold Carmean, Tambara Stewart, Valerie Handy, Reverend Worthy, Patricia Benton, Danny Tice, Elaine Mahon, Ronald Kirk, Charles Mumford, Drew Fennell, Paris Mitchell, Jessica Endicott, Harold Johnson, Carol Svecz, Roland Mifflin, Kim Tephabock, Max Wolf, John Steinbruck, Frank Infante, Collen Waters. President Walls thanked the visitors for their comments. He explained that the Public Comments section is intended as a one-sided conversation for visitors to air their concerns. He noted that the Board would be reviewing additional information regarding this issue and a Public Forum may be scheduled in the future.

### OLD BUSINESS

#### Major Capital Improvements Progress Report

Mr. Weer reported that the work at Indian River High School is moving forward quite well. Sitework on the athletic fields is finished and awaiting the approval on the irrigation system. Rough seeding has been done for stabilization. Fencing is being installed around the fields. A letter was sent to Pinnacle, site contractor, last week because they are behind on project. In Area A, 80% of framing is up, rough-in wiring is proceeding, and roofing work is half done. In Area B, locker rooms are being painted, plumbing work is 90% complete, electrical work is 80% complete, and the ductwork in the gym is half-way complete. In the shop area, masonry work on the inside should be completed in 3 to 4 weeks, and outside masonry work should be completed in about five weeks. Piping is 90% complete in the mechanical areas. Air conditioning should be operating in about three weeks. Painting and flooring is done in the classroom wings.

At Sussex Central High School, Mr. Weer reported that final grading is ongoing, roofing work is moving along, and floor tile is down in most areas except around the gym, which will be done next week. There are still concerns with the mechanical contractor, and we may have to bring in help to get jobs completed. Wing B will not be ready for the opening of school. Inspections are being done in the kitchen and the Fire Marshall is also making his final inspections. The phone system should be completed today and the cables in the classrooms should be completed by the end of the week. The PA system should also be completed in approximately four days. Computers are being set up. Most things have been moved from the old school.

#### School Choice Applications

It was moved by Mr. Bireley, seconded by Mr. Helms, to approve the School Choice Applications as recommended. The motion passed unanimously (10-0).

BPD 000079



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### Middle School Task Force Update

Dr. Bunting, Mr. Catania, and Mr. Riggin gave an update on the Middle School Task Force Committee. Dr. Bunting noted that the committee, which is comprised of a board member, administrators, parents and teachers, first met in April 2004. Mr. Riggin and Mr. Catania shared some initiatives that have been successful in making school improvements. After reviewing the accountability ratings that were released in August, the committee has decided to meet on a quarterly basis. The committee will then address changes to the program on an as-needed basis.

### NEW BUSINESS

#### Accountability Ratings

Ms. Hobbs reported that the elementary schools and the Southern Delaware School of the Arts received a "Superior" rating. Indian River High and Sussex Central High Schools received a "Commendable" rating, Selbyville Middle School received an "Academic Progress" rating, and Sussex Central Middle School received an "Academic Watch" rating. She expressed that she was pleased with the progress and trend of our school ratings.

#### Legislative Priorities – 2004-05

Ms. Hobbs asked that the Board review last year's list of Legislative Priorities in preparation for establishing the 2004-05 list.

#### Reading Resource Teachers

Mr. Miller presented a proposal for the local funding portions of the Reading Resource Teachers authorized by Governor Minner via Senate Bill 320. Mr. Evans noted that the Finance Committee reviewed and approved the proposal. It was moved by Mr. Evans, seconded by Mr. Bireley, to approve the proposed funding of the Reading Resource Teachers as recommended. The motion passed unanimously (10-0).

### COMMITTEE REPORTS AND APPOINTMENTS

#### Buildings & Grounds Committee

Mr. Hastings reported that the Buildings & Grounds Committee met on August 9, 2004. He expressed his concern with EDiS and the progress of the work at Sussex Central High School. It was moved by Mrs. McCabe, seconded by Mr. Cohee, to table the remainder of the Buildings & Grounds report until Executive Session due to the personnel issues involved. The motion passed unanimously (10-0).

#### Sussex Central High School Alternative Plan for Section B

Ms. Hobbs shared a plan provided by Dr. Hall for relocating teachers from the B Wing into other areas until that wing is complete.

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Millsboro Middle School Renovations Update

Mr. Weer shared with the Board the timeline for the renovations of the Millsboro Middle School. Mr. Hastings stated that the Buildings & Grounds Committee reviewed the schedule at the August 9<sup>th</sup> meeting and recommends approval. It was noted that this change in the timeline is in conjunction with the change in the Georgetown Middle School Renovations Schedule that was approved last month. It was moved by Dr. Hattier, seconded by Mr. Cohee, to approve the Millsboro Middle School Renovations Schedule as submitted. The motion passed unanimously (10-0).

Curriculum Committee

Mrs. McCabe reported that the Curriculum Committee met on August 19, 2004 with the Department of Instruction personnel and discussed events that would take place during this school year. The meetings will continue to be held on Thursday morning prior to the Board Meetings. Please notify Mrs. McCabe with any items to be discussed.

DSBA Board of Directors Representative

Mrs. Bunting reported that there was no meeting in August. The next meeting will be on September 8, 2004.

DSBA Legislative Committee Representative

Mr. Bireley reported that there was no meeting in August.

Finance Committee

Mr. Evans reported that the Finance Committee will meet in September.

Mary Bailey Scholarship Committee

There was no report.

Negotiations Committee

Mr. Helms reported that the IREA Secretarial Contract was signed this evening, which completes negotiations at this time.

Policy Committee

1<sup>st</sup> Reading

IND School Ceremonies and Observances

Mr. Walls submitted a draft policy on School Prayer at Baccalaureate and Commencement/Graduation Ceremonies. He asked that the Board review this draft policy and call him with any changes. Should there be changes, he noted that the policy would be presented as a 1<sup>st</sup> Reading again. Mr. Griffin noted that the draft policy is based on the guidelines from the Department of Education.

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2<sup>nd</sup> Reading

KBA Rev. Public Right to Know

Mr. Walls presented Policy KBA Public Right to Know for a 2<sup>nd</sup> reading. It was moved by Mr. Cohee, seconded by Mr. Evans, to approve Policy KBA Public Right to Know. The motion passed unanimously (10-0).

IREA Representative

There was no report.

ADMINISTRATIVE REPORTS

Mrs. Hobbs, Board Update

Back to School Activities

Ms. Hobbs informed the Board of the Back to School Activities scheduled for teachers prior to school starting on September 7.

New Teachers

Ms. Hobbs informed the Board that 60 new teachers were hired this year.

Administrative Assignments for Board of Education Committees

Ms. Hobbs shared the Administrative Representative Assignments to the Board of Education Committees.

CCMS Public Hearing

Ms. Hobbs informed the Board that a Comprehensive Compliance Monitoring System Public Hearing was held on July 28, 2004. This public hearing is required in order to share special education information with parents.

All-Day Kindergarten Grant

Ms. Hobbs congratulated Sharon Brittingham for being awarded the All Day Kindergarten Grant for Frankford Elementary School.

September 1 Kick Off

Ms. Hobbs invited the Board members to the "Back to School Kick-Off" at Selbyville Middle School on Wednesday, September 1, 2004.

Mini-workshops

Ms. Hobbs informed the Board that the administrative team had been conducting mini-workshops with staff this year regarding improvement plans and disciplinary issues.

SRO Contracts

Ms. Hobbs noted that the contracts of the School Resource Officers would be continued this year and she thanked them for their very valuable service to the district.

BPD 000082

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FINANCIAL

Regular Invoices

President Walls left the meeting from 10:21 to 10:22 p.m. It was moved by Mr. Cohee, seconded by Dr. Hattier, to approve the payment of Regular Invoices. The motion passed (9-0).

Financial Summaries

Mr. Miller reviewed the Financial Summaries for the period ending July 31, 2004.

Dr. Hattier left the meeting from 10:25 to 10:30 p.m.

Major Capital Improvements Financial Summaries

Mr. Miller reviewed the Major Capital Improvement Summaries for the period ending July 31, 2004.

Major Capital Improvements Change Orders

Mr. Miller reviewed the Major Capital Improvements Change Orders. The total amount for the Change Orders is \$167,086.10 for the irrigation systems at Sussex Central High School (\$85,476) and Indian River High School (\$81,610.10). There was some discussion regarding the awarding of contracts by the contractors. It was moved by Dr. Isaacs, seconded by Mr. Helms, to table the Change Orders until Executive Session. The motion passed unanimously (10-0).

Financial Position Report

It was moved by Mr. Evans, seconded by Mr. Bireley, to approve the Financial Position Report as submitted. The motion passed unanimously (10-0).

Bond Anticipation Note

It was moved by Mr. Evans, seconded by Mr. Bireley, to approve the Bond Anticipation Note. The motion passed unanimously (10-0).

COMMUNICATIONS

Conference Requests (None)

Use of Facilities (None)

Correspondence

Thank you note from Mike Kline

Ms. Hobbs shared a thank you note from Mike Kline for the many expressions of kindness during his surgery and recuperation period.

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Thank you note from Jacque Wisnauskas

Ms. Hobbs shared a thank you note from Jacque Wisnauskas for the opportunity to work in the Indian River School District.

Field Trips

Day trip by Southern Delaware School of the Arts 8<sup>th</sup> Grade Students – September 23, 2004 to Mount Vernon, VA

Day trip by Southern Delaware School of the Arts 5<sup>th</sup>-8<sup>th</sup> Grade Students – December 8, 2004 to New York City, NY

Overnight trip by Indian River High School FFA – September 16-19, 2004 to Springfield, MA

Mrs. Hobbs recommended approval of the three field trip requests. It was moved by Dr. Isaacs, seconded by Dr. Hattier, to approve the superintendent's recommendation. The motion passed (9-0-1).

For the Motion: Mr. Bireley, Mrs. Bunting, Mr. Cohee, Mr. Evans, Mr. Hastings, Dr. Hattier, Mr. Helms, Dr. Isaacs, Mr. Walls

Abstained: Mrs. McCabe

STAFF

Personnel Agenda, Personnel Addendum, Projected Unit Count, PERB Response

It was moved by Mr. Bireley, seconded by Mr. Helms, to table Personnel Agenda, Personnel Addendum, Projected Unit Count and PERB Response until after Executive Session. The motion passed unanimously (10-0).

PUBLIC COMMENTS

Pam Shockley

Ms. Shockley raised questions about the first reading of the policy presented this evening regarding prayer at graduation and baccalaureate ceremonies. Mr. Griffin noted that according to the Regulations of the State Department of Education, prayer must be student issued and student led. President Walls explained our procedures for establishing policy.

Collen Waters

Mr. Waters urged the Board to have guidelines under item 4. of the policy presented this evening on prayer at graduations and baccalaureate ceremonies.

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EXECUTIVE SESSION

It was moved by Mr. Helms, seconded by Mr. Evans, to go into Executive Session at 10:55 p.m. The motion passed unanimously (10-0).

- A. Personnel: To discuss matters pertaining to names, competencies and abilities of individual employees or students.
- B. Strategy Session: To discuss collective bargaining, pending or potential litigation.
- C. Hearing: To conduct a hearing regarding employee or student discipline or employee dismissal.
- D. Such other business as may properly be discussed in an executive session.

RECONVENE

It was moved by Dr. Isaacs, seconded by Mr. Evans, to reconvene in Regular Session at 12:55 a.m. The motion passed unanimously (10-0).

CONSIDERATION OF AGENDA ITEMS DEFERRED

Personnel Agenda

It was moved by Mr. Bireley, seconded by Dr. Hattier, to approve the Personnel Agenda excluding the candidate under Rescind Resignation on page 2. The motion passed unanimously (10-0).

Personnel Addendum

It was moved by Mr. Bireley, seconded by Mr. Helms, to approve the Personnel Addendum excluding the candidate under Hire Secretary at IREC and the candidate under Resignation Paraprofessional at HTE. The motion passed unanimously (10-0).

It was moved by Mr. Bireley, seconded by Dr. Hattier, to approve the Resignation of the Paraprofessional at HTE. The motion passed (9-0-1).

For the Motion: Mr. Bireley, Mrs. Bunting, Mr. Cohee, Mr. Evans, Mr. Hastings, Dr. Hattier, Mr. Helms, Dr. Isaacs, Mrs. McCabe

Abstained: Mr. Walls

It was moved by Mr. Bireley, seconded by Dr. Hattier, to approve the hiring of the Secretary at IREC. The motion passed (9-1).

For the Motion: Mr. Bireley, Mrs. Bunting, Mr. Cohee, Mr. Evans, Mr. Hastings, Dr. Hattier, Dr. Isaacs, Mrs. McCabe, Mr. Walls

Against the Motion: Mr. Helms

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Irrigation

It was moved by Dr. Isaacs, seconded by Mr. Bireley, to accept the Change Order to A. P. Croll & Son for the Sussex Central High School Irrigation Project. The motion passed unanimously (10-0).

It was moved by Dr. Isaacs, seconded by Mr. Bireley, to request more detailed information regarding the bids submitted for the Indian River High School Irrigation Project and to authorize the Buildings & Grounds Committee to approve the low bidder. This information should be available for the next meeting of the Buildings & Grounds Committee. The motion passed unanimously (10-0).

ADJOURNMENT

It was moved by Mr. Evans, seconded by Mr. Cohee, to adjourn the meeting at 1:00 a.m. The motion passed unanimously (10-0).

Respectfully submitted,



(Ms.) Lois M. Hobbs  
Secretary and Superintendent  
Board of Education  
Indian River School District

Harvey L. Walls  
President  
Board of Education  
Indian River School District

HLW/LMH:jlh

BPD 000086

# EXHIBIT 61



INDIAN RIVER SCHOOL DISTRICT  
BOARD OF EDUCATION REGULAR MEETING  
TUESDAY, JUNE 15, 2004 – 7:30 P.M.  
NORTH GEORGETOWN ELEMENTARY SCHOOL CAFETERIA

MINUTES

CALL TO ORDER

President Harvey L. Walls called the Regular Meeting of the Indian River School District Board of Education to order at 7:30 p.m.

ROLL CALL

Board Members Present: Charles M. Bireley, (Mrs.) Nina Lou Bunting, Richard H. Cohee, John M. Evans, Gregory A. Hastings, Donald G. Hattier, Reginald L. Helms, Mark A. Isaacs, (Mrs.) Elaine McCabe, Harvey L. Walls

APPROVAL OF AGENDA - Regular and Executive – June 15, 2004

As noted on the Amended Agenda posted on June 10, 2004, the following item was added to the Regular Agenda:

IX. A. 1. Athletic Fields

Also, the following item was added to the Regular Agenda:

XI. E. Music Furniture Bid

It was moved by Mr. Helms, seconded by Mr. Cohee, to approve the Regular Agenda as amended and the Executive Session Agenda. The motion passed unanimously (10-0).

APPROVAL OF MINUTES

Board of Education Regular Meeting Minutes – May 25, 2004

VISITORS AND STAFF IN ATTENDANCE

President Walls and Ms. Hobbs recognized and presented certificates to the following for their accomplishments:

Ben Carson Scholarship Recipient  
Michelle Giorgilli (SDSA)  
World Finalist – 6<sup>th</sup> Place  
Odyssey of the Mind Team – Lisa Forney  
Savings Campaign Slogan Poster Contest Winner – 1<sup>st</sup> Place  
Katie Warrington (NG)  
“Leap into Savings”  
Wellness, Academics, & You (WAY) Essay Contest Winner – 1<sup>st</sup> Place  
Marquette Nelson (NG)  
Junior All-State Band  
Wayde Marsh (SDSA)  
Indian River School District Nurse of the Year  
Linda Walls (SS)

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OTHER VISITORS AND STAFF IN ATTENDANCE

Lois Hobbs, Janet Hearn, Susan Bunting, Earl Savage, Charlie Hudson, Jay Headman, Michael Owens, Cathy Miller, Patrick Miller, Denise Speicher, David Maull, Carmen Deldeo, John Mitchell, Greg Weer, Donna Hall, James Hudson, Mark Steele, Tim Fannin, Darlene Johnson, Darrell Neale, Dorcell Spence, Mona Dolbrich, Maro Dolbrich, Hyland Johnson, Donna Mitchell, Sandra Givans, Bradley Layfield, David Marvel, Marcy Bradley, Linda Walls, Steve Warrington, Charlene Warrington, Katie Warrington, Beth Conaway, Clay Conaway, Richard Jones, Drew Kleinstuber, Kim Kleinstuber, Lisa Forney, Caitlin Murray, Barbara Murray, Angela Robbins, Janet DeLancey, Andrea Ruth, Dawn Schultz, Melissa Linde, Bonnie Meszaros, Jonna Lee Davis, Lisa Giorgilli, Joy Marvel, Wayde Marvel, Mitchell Giorgilli, Carol Buchler

PUBLIC COMMENTS

Mona Dobrich

Mrs. Dobrich, a parent of the Jewish faith, expressed concern about prayers at school district events. She asked that the Board consider using a non-denominational prayer that would be appropriate for all faiths at events such as graduations, etc.

OLD BUSINESS

Major Capital Improvements

Progress Report

Mr. Weer reported that work is progressing well at Sussex Central High School. Sidewalks around the outside of the building are being installed. Fencing is going up around the fields and the outside buildings are finished for the athletic fields. Ceilings are in and lockers have been installed in D and E wings. The cafeteria is being painted and the ceilings are being installed. The gym has been painted, the mechanical work is finished, and they will do the flooring soon. They should be painting in the administrative areas in about a week, as well as in the main corridor. In the B wing, 75% of the interior walls are completed and electrical and mechanical work is being done. The roofing is complete with the exception of some coping round the edge. Water pumps are installed and water is available in the building. Plans are to move the administration in the building during the first week of August and the building open for students on September 7. It is anticipated that the auditorium might not be completed by the opening of school.

Mr. Weer reported that work is moving forward at Indian River High School. The athletic fields are being graded. The bleachers have been installed. Ceilings are in D and E wings and some lockers are installed. The exterior brickwork is 70% complete. All roofing should be done by the middle of next week. Interior walls should be finished in two to three weeks. Permanent power has now been installed in the building. Plans are to open for students in January 2005.

School Choice Applications

It was moved by Mr. Bireley, seconded by Dr. Hattier, to approve the School Choice Applications as recommended. The motion passed unanimously (10-0).

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NEW BUSINESS

FY'05 Tax Rates

Minor Cap, Tuition, and Debt Service

Mr. Miller reviewed the FY'05 Tax Rate Proposal. He recommended that the property tax assessment for the Indian River School District be adjusted from \$2.027 to \$2.289 per every \$100 of assessed valuation for the upcoming fiscal period FY 2005. It was moved by Mr. Evans, seconded by Mr. Bireley to approve the FY 2005 Tax Rate as recommended. The motion passed unanimously (10-0).

Senior Citizen Tax Discount

Mr. Miller noted that if the Board wished to continue the Senior Citizen Tax Discount, no action was necessary on behalf of the Board. No action was taken, therefore, the Senior Citizen Discount will continue.

Legislative Update

Mr. Miller gave an update on the legislation related to education.

Graduation Ceremonies

Ms. Hobbs provided the Board with information regarding school prayer from Mr. Griffin. She apologized for the lateness of providing them the material, however, Mr. Griffin was out of town due to a death in his family. It was moved by Mr. Helms, seconded by Mr. Cohee, to table this item until the next regular board meeting. The motion passed unanimously (10-0).

Dr. Hattier left the meeting from 8:30 to 8:45 p.m.

COMMITTEE REPORTS AND APPOINTMENTS

Buildings & Grounds Committee

Mr. Hastings reported on the Building & Grounds Committee Meeting of June 7, 2004. Mr. Weer informed the Board of a north entrance issue at the Indian River High School. There are trees on the property line that must be removed. Mr. Weer is getting pricing information on both the replacing of trees and fencing. Mr. Hastings noted that the district is seeking to be good neighbors in dealing with this issue, and we need to inform the adjoining property owners what the district plans to do before the August Board meeting. It was moved by Mr. Cohee, seconded by Dr. Isaacs, to allow the Buildings & Grounds Committee to determine what should be done to resolve this issue. The motion passed unanimously (10-0).

Also discussed at the June 7 meeting was the deer population problem on the Ingram Pond property. Mr. Elliott is having DNREC authorities assess the problem, and this issue will be discussed at the next Buildings & Grounds meeting.

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Athletic Fields

Mr. Hastings informed the Board that the Indian River High School Football Boosters raised questions regarding the Board's decision to purchase sod for the Sussex Central High School athletic fields and only seeding the Indian River High School fields. While researching this issue, it was learned that a better irrigation plan is needed whether or not the fields are seeded or sodded. He explained that meetings were held with Indian River and Sussex Central athletic departments regarding the sod versus seed and irrigation issues. Mr. Hastings made a motion seconded by Dr. Isaacs, to rescind the February 24, 2004 motion for the approval of purchasing sod for the athletic fields at the new Sussex Central High School at a cost of \$79,300. There was considerable discussion regarding the ramifications of not being able to use the athletic fields for fall sports at Sussex Central High School. The cost of bussing athletes to and from the old fields was also discussed. Mr. Weer has requested additional information on irrigation systems. However, that information was not available for this meeting.

The motion passed (9-1).

For the Motion: Mr. Bireley, Mrs. Bunting, Mr. Evans, Mr. Hastings, Mr. Helms, Dr. Hattier, Dr. Isaacs, Mrs. McCabe, Mr. Walls

Against the Motion: Mr. Cohee

It was decided to have this placed on the July 1, 2004 meeting agenda. Information regarding irrigation costs, timelines for installation and timelines for installation of sod on the football, soccer and field hockey fields should be provided to board members prior to that meeting.

Curriculum Committee

Mrs. McCabe reported that a meeting was held on June 10, 2004. Items discussed included the May 20<sup>th</sup> Middle School Task Force Meeting, as well as plans for the next meeting, and several middle school parent concerns, which included homework assignments and early collection of textbooks.

DSBA Board of Directors Representative

Mrs. Bunting was unable to attend the meeting on June 9, 2004. The minutes will be forthcoming.

DSBA Legislative Committee

Mr. Bireley reported that the June meeting of the DSBA Legislative Committee would be held at Legislative Hall.

Finance Committee

Mr. Evans reported that the next Finance Committee Meeting would be held on July 13, 2004.

Mary Bailey Scholarship Committee

There was no report.

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Negotiations Committee

Mr. Helms reported that the Custodial Contract was signed this evening. He noted that the next meeting with the secretaries is scheduled for June 22, 2004. Mr. Helms made a motion, seconded by Mr. Bireley, to table the remainder of the Negotiations report until Executive Session. The motion passed unanimously (10-0).

Policy Committee

2<sup>nd</sup> Reading

JG Student Discipline

It was moved by Mr. Hastings, seconded by Mrs. Bunting, to approve Policy JG Student Discipline. The motion passed unanimously (10-0).

IREA Representative

There was no report.

ADMINISTRATIVE REPORTS

Mrs. Hobbs, Board Update

School Visits

Ms. Hobbs reported that she attended three very touching graduation ceremonies this month. She also attended a lovely District Retirement Dinner, and All American Picnic at Long Neck Elementary School, and an excellent "Chicago" performance at Sussex Central High School. She thanked the Board of Education, administrators, teachers and staff for their efforts in completing a successful school year.

Curriculum Update

The Curriculum Update for the month of June was included in the Board Packet.

July 1, 2004 Organizational Meeting

It was decided to have the July 1 Organizational Meeting at Sussex Central Middle School at 8:00 a.m.

SMART Curriculum

Ms. Hobbs informed the Board of the district's opportunity to have early childhood teachers trained in the SMART Program through a grant offered by the Minnesota Learning Resource Center and the U. S. Department of Education.

FINANCIAL

Regular Invoices

It was moved by Mr. Helms, seconded by Mr. Cohee, to approve the payment of Regular Invoices. The motion passed unanimously (10-0).

Financial Summaries

Mr. Miller reviewed the Financial Summaries for the month ending April 30, 2004.

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Major Cap Financial Summaries

Mr. Miller reviewed the Major Cap Financial Summaries for the month ending April 30, 2004.

Major Cap Change Orders

There were no Major Cap Change Orders for this period.

Music Facility Equipment Bid

It was moved by Mr. Hastings, seconded by Dr. Hattier, to award the Music Facility Equipment Bid to the Wenger Corporation as recommended. The motion passed unanimously (10-0).

COMMUNICATIONS

Conference Requests (None)

Use of Facilities (None)

Correspondence

Thank You note from Katie Towers

Ms. Hobbs shared a thank you note from Katie Towers who received the Critical Areas Scholarship.

Thank you note from Catherine Miller

Ms. Hobbs shared a thank you note from Cathy Miller for granting her educational leave this summer.

Field Trips

Day trip by SDSA Junior Thespian Troupe #88537 – October 5, 2004 to Manheim, PA

Ms. Hobbs recommended approval of the field trip request. It was moved by Dr. Hattier, seconded by Mr. Bireley, to approve the superintendent's recommendation. The motion passed (9-0-1).

For the Motion: Mr. Bireley, Mrs. Bunting, Mr. Cohee, Mr. Evans, Mr. Hastings, Dr. Hattier, Mr. Helms, Dr. Isaacs, Mr. Walls

Abstained: Mrs. McCabe

STAFF

Personnel Agenda, Personnel Addendum, and Small School Assistant Principals' Positions

It was moved by Mr. Bireley, seconded by Mr. Helms, to table Personnel Agenda, Personnel Addendum, and Small School Assistant Principals' Positions until after Executive Session. The motion passed unanimously (10-0).

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PUBLIC COMMENTS

Donna Mitchell

Mrs. Mitchell, member of the Indian River High School Football Boosters, stressed that the Board keep equality in mind when making decisions regarding the two new high schools.

Bradley Layfield

Mr. Layfield thanked Mr. Headman and all of the persons who gathered information and attended meetings regarding the athletic fields. He also expressed preference for sod with an irrigation system that would maintain it at Sussex Central High School. He mentioned that when he delivers a prayer and uses the name, "Jesus Christ," he intends it to be for all faiths.

David Marvel

Mr. Marvel stated he was impressed with questions asked and concerns raised about the athletic fields. He stressed the importance of equality when resolving the issue.

EXECUTIVE SESSION

It was moved by Mr. Helms, seconded by Mrs. McCabe, to go into Executive Session at 9:40 p.m. The motion passed unanimously (10-0).

- A. Personnel: To discuss matters pertaining to names, competencies and abilities of individual employees or students.
- B. Strategy Session: To discuss collective bargaining, pending or potential litigation.
- C. Hearing: To conduct a hearing regarding employee or student discipline or employee dismissal.
- D. Such other business as may properly be discussed in an executive session.

RECONVENE

It was moved by Mr. Cohee, seconded by Dr. Hattier, to reconvene in Regular Session at 11:35 p.m. The motion passed unanimously (10-0).

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CONSIDERATION OF AGENDA ITEMS DEFERRED

Personnel Agenda

It was moved by Mr. Bireley, seconded by Mr. Helms, to approve the Personnel Agenda excluding the Physical Education Teacher at East Millsboro and Long Necks Elementary Schools. The motion passed unanimously (10-0).

It was moved by Mr. Bireley, seconded by Dr. Hattier, to approve the Physical Education Teacher at East Millsboro and Long Neck Elementary Schools. The motion passed (9-0-1).

For the Motion: Mr. Bireley, Mrs. Bunting, Mr. Cohee, Mr. Evans, Mr. Hastings, Dr. Hattier, Mr. Helms, Dr. Isaacs, Mrs. McCabe  
Abstained: Mr. Walls

Personnel Addendum

It was moved by Mr. Bireley, seconded by Mr. Helms, to approve the Personnel Addendum excluding the second candidate listed under Summer School Math Programs at North Georgetown Elementary School. The motion passed unanimously (10-0).

It was moved by Mr. Bireley, seconded by Dr. Hattier, to approve the second candidate listed under Summer School Math Programs at North Georgetown Elementary School. The motion passed (9-0-1).

For the Motion: Mr. Bireley, Mrs. Bunting, Mr. Evans, Mr. Hastings, Dr. Hattier, Mr. Helms, Dr. Isaacs, Mrs. McCabe, Mr. Walls  
Abstained: Mr. Cohee

Small School Assistant Principal Positions

It was moved by Mrs. McCabe, seconded by Mrs. Bunting, to approve the superintendents' recommendation regarding the Small School Assistant Principal Positions. The motion passed unanimously (10-0).

STUDENT HEARINGS

Student No. 04-66, Student No. 04-70, Student No. 04-71, Student No. 04-72

Student No. 04-73, Student No. 04-74

It was moved by Dr. Hattier, seconded by Mr. Helms, to approve the Hearing Officers' recommendations on Student No. 04-66, Student No. 04-70, Student No. 04-71, Student No. 04-72, Student No. 04-73 and Student No. 04-74. The motion passed unanimously (9-0-1).

For the Motion: Mr. Bireley, Mrs. Bunting, Mr. Cohee, Mr. Evans, Dr. Hattier, Mr. Helms, Dr. Isaacs, Mrs. McCabe, Mr. Walls  
Abstained: Mr. Hastings

Student No. 04-75 Update

Mr. Hudson gave an update on Student No. 04-75 during Executive Session.

BPD 000017



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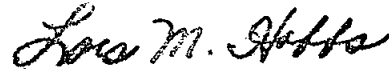
Student No. 04-67

It was moved by Mr. Cohee, seconded by Mr. Helms, to table Student No. 04-67 until the next regular meeting. The motion passed unanimously (10-0).

ADJOURNMENT

It was moved by Mr. Hastings, seconded by Dr. Isaacs, to adjourn the meeting at 11:40 p.m. The motion passed unanimously (10-0).

Respectfully submitted,



(Mrs.) Lois M. Hobbs  
Secretary and Superintendent  
Board of Education  
Indian River School District

Harvey L. Walls  
President  
Board of Education  
Indian River School District

HLW/LMH:jlh

# EXHIBIT 62

BPD 1288

Segment 10

01:01 20 sec. to 01:04 17sec

(See enclosed DVD)

# EXHIBIT 63

BPD 1288

Segment 11

01:03 4 sec. to 01:03 31 sec

(See enclosed DVD)

# EXHIBIT 64

BPD 1288

Segment 12

01:03 20 sec. to 01:04 32 sec

(See enclosed DVD)

# EXHIBIT 65



BPD 1288

Segment 13

01:03 50 sec. to 01:04 29 sec

(See enclosed DVD)

# EXHIBIT 66

**Song and Service Book**  
for  
**Ship and Field**

**Army and Navy**

*Song and Service Book  
for  
Ship and Field  
Army and Navy*

*Edited by  
Hiram H. Bennett  
Chairman of the Editorial Committee*

UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON  
1942

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## Preface

THE NATIONAL CONVENTION of the Chaplains of the Army and Navy in New York City, May, 1940, voted approval of the suggestion of the committee on hymnal that effort be made to replace the word edition of the Army and Navy Hymnal with a service book containing selected hymns with musical score. Grateful acknowledgment is made of the cooperative efforts of the chaplains, publishers, and agencies serving the spiritual needs of our men on land and sea. The compilation has been made during a great national emergency, and the time element has necessitated haste. The prayers and other aids to worship have been selected, not to take the place of prayer book or missal in the ministry of the chaplain, but to furnish aids for congregational participation in public worship. It is our hope that every chaplain will find sufficient data to enrich and extend congregational assistance at the services in field and aboard ship. The orders of service are intended not only as a ready aid to the younger chaplains, but also as a guide to the faithful helpers who carry on divine worship in the absence of a chaplain. To the men, living and dead, who have hazarded their lives for America, to the lads who keep faithful watch today and tomorrow, and to the Glory of Almighty God, we dedicate this Song and Service Book.

ROBERT D. WORKMAN,  
Chief of Chaplains,  
Navy Department.

WILLIAM R. ARNOLD,  
Chief of Chaplains,  
War Department.

IVAN L. BENNETT, Chaplain, U. S. Army,  
Chairman of the Editorial Committee.

Oh come, let us worship and bow down;  
Let us kneel before the Lord our Maker:  
For He is our God.

And we are the people of his pasture, and the sheep of his hand.  
Ps. 95

Seek ye the Lord while He may be found: call ye upon Him while  
He is near: let the wicked forsake his way, and the unrighteous  
man his thoughts; and let him return unto the Lord, and He will  
have mercy upon him; and to our God, for He will abundantly  
pardon.  
Isa. 55

The Lord is nigh unto all them that call upon Him,  
To all that call upon Him in truth.  
He will fulfill the desire of them that fear Him:  
He also will hear their cry, and will save them.  
Ps. 145

Have mercy upon us, O God, according to thy lovingkindness:  
according to the multitude of thy tender mercies blot out our  
transgressions. Wash us thoroughly from our iniquities, and cleanse  
us from our sins. For we acknowledge our transgressions, and our  
sin is ever before us. Purge us and we shall be clean; wash us and  
we shall be whiter than snow. Create in us clean hearts, O God,  
and renew a right spirit within us. Cast us not away from thy  
presence, and take not thy Holy Spirit from us. Amen. Ps. 51

### Washington's Prayer for the Nation

Almighty God, we make our earnest prayer that Thou  
wilt keep the United States in thy holy protection, that  
Thou wilt incline the hearts of the citizens to cultivate a  
spirit of subordination and obedience to government,  
and entertain a brotherly affection and love for one  
another and for their fellow citizens of the United States  
at large.

And finally that Thou wilt most graciously be pleased  
to dispose us all to do justice, to love mercy, and to de-  
mean ourselves with that charity, humility, and pacific  
temper of mind which were the characteristics of the  
Divine Author of our blessed religion, and without an  
humble imitation of whose example in these things, we can  
never hope to be a happy nation.

Grant our supplications, we beseech Thee, through  
Jesus Christ our Lord. Amen. (*Written at Newburg,  
June 8, 1783, and sent to the Governors of all the States.*)